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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America,
10 Plaintiff,
11 v.
12 Bruce Donahue,
13 Defendant.

CR-04-1580-01-TUC-DCB (BPV)

ADMISSION OF ALLEGATION(S)
CONTAINED IN PETITION TO
REVOKE SUPERVISED RELEASE

14
15 The United States of America and the defendant agree to the following disposition
16 of this matter:

17 TERMS OF THE AGREEMENT

18 1. This is a revocation of:

19 (XX) supervised release

20 () probation

21 2. Defendant will admit allegation(s) B in the Petition to Revoke.
22 This/these is/are Grade C violation(s). As a result, the defendant's supervised release
23 will be revoked. Any remaining allegations will be dismissed at disposition.

24 3. The parties agree that the defendant will be sentenced to:

25 (✓) 9 months incarceration; OR

26 ///

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- () a period of incarceration not to exceed the middle of the applicable guideline range under U.S.S.G. § 7B1.4(a) (Revocation Table), and not below the minimum of the range (the range being 4 to 7 months)

4. This sentence will be followed by:

- () an additional term of _____ months of supervised release
- () an additional term of supervised release to be determined by the court.
- (✓) NO additional term of supervised release

If the defendant is sentenced to a term of probation or supervised release, the defendant agrees to comply with the previously imposed conditions and any others the probation department or court deems appropriate.

- () In addition, the following additional condition(s) shall be imposed:

5. Consecutive/Concurrent sentences:

- (✓) *Not applicable.*
- () There is no agreement regarding consecutive or concurrent sentences on any pending cases;
- () The government agrees that it will not take a position whether this sentence should be concurrent or consecutive to another sentence.

6. Statutory and Guideline Provisions:

a) U.S.S.G. § 7B1.4, the Terms of Imprisonment (Policy Statement) provides:

Revocation Table
(In months of imprisonment)

<u>Grade of Violation</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>
Grade C	3-9	4-10	5-11	6-12	7-13	8-14
Grade B	4-10	6-12	8-14	12-18	18-24	21-27
Grade A	(1) Except as provided in subdivision (2) below:					
	12-18	15-21	18-24	24-30	30-37	33-41

(2) Where a defendant was on probation or supervised release as a result of a Class A felony:

24-30 27-33 30-37 37-46 46-57 51-63

b) Penalties applicable for defendant's original offense:

1) Criminal History - I

2) Guideline Range - 46-57 mo.

3) Statutory Maximum incarceration - 40 years

c) Supervised release statutory maximums pursuant to 18 U.S.C. § 3583 (e)(3):

1) Class A felony - 5 years

2) Class B felony - 3 years

3) Class C or D felony - 2 years

4) Any other case - 1 year

7. Waiver of Appeal & Collateral Attacks - Defendant waives any and all motions, defenses, probable cause determinations, and objections which the defendant could assert to the information or indictment, or petition to revoke, or to the Court's entry of judgment and imposition of sentence upon the defendant, providing the sentence is consistent with this agreement. Defendant further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the imposition of sentence upon defendant; and (3) any right to collaterally attack defendant's conviction and sentence in a habeas petition under 28 U.S.C. § 2255 or motion under any other statute or rule. If the defendant files a notice of appeal or any habeas petition, notwithstanding this agreement, the defendant agrees that, upon motion of the government, this case shall be remanded to the district court to determine whether defendant is in breach of this agreement and, if so, to permit the United States to withdraw from the plea agreement.

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8. Defendant understands the government's obligation to provide all information in its file regarding the defendant to the United States Probation Office. The defendant fully understands and agrees to cooperate fully with the United States Probation Office in providing all information requested by the probation officer.

9. I understand all of the provisions of this agreement. This written plea agreement contains all the terms and conditions of my plea, and any promises made by anyone (including my attorney) that are not contained within this written agreement are without effect and are void.

8-23-07
Date

B. Donahue
Bruce Donahue
Defendant

10. I have discussed this case and the plea agreement with my client in detail, and have translated it for him/her if he/she does not speak English. No assurances, promises, or representations have been given to me or my client by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client.

8-23-07
Date

P. Raptis
Peter Raptis
Attorney for Defendant

11. I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

DANIEL G. KNAUSS
United States Attorney
District of Arizona

August 23, 2007
Date

Raquel Ayellano
Raquel Ayellano
Assistant U.S. Attorney

cc: U.S. Probation Officer